



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2502611
Applicant Name: Opus Northwest
Address of Proposal: 900 8th Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish the use for the future construction of a 66 unit addition to a previously approved (Project # 9908198) 15-story, 154 unit apartment, retail and administrative office building (for a total of 220 units). Project includes future 43,000 square foot change of use from administrative office to medical office use.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

Design Review – Chapter 23.41 SMC

Administrative Conditional Use—Medical services over 10,000 square feet outside but within 2,500 feet of a medical Major Institution Overlay District –Chapter 23.47.006, SMC.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

* Early DNS Notice published June 1, 2005.

BACKGROUND DATA

Site and Area Description

Located on the east side of Eighth Avenue between Madison and Marion Streets, the subject site currently comprises a half block, construction site with the foundations of a previously approved project that was halted in the autumn of 2001. Zoned Neighborhood Commercial 3 with a 160 feet height limit (NC3-160), the property slopes significantly, ascending from the west (8th Avenue) to the east (the alley).

The subject site lies on First Hill, a block east of Interstate 5, and along the Madison Street corridor. Apartment buildings surround the property on adjacent blocks to the east, north and south. The buildings include the 14 story Nettleton Apartments, the Westminster, the Envoy and the Clarwood. The First Presbyterian Church, a four-story office building and several parking lots sit across 8th Avenue. Several prominent structures and landmarks lie within a few blocks of the site. These include the Hotel Sorrento, St. James Cathedral, Chancery Place, Virginia Mason Clinic, Puget Sound Blood Center and the Frye Museum. St. James is the only designated landmark. The neighborhood is within the First Hill Urban Center, a generally pedestrian oriented area with a mix of smaller turn of the 19th century residential buildings and larger institutional or residential buildings constructed in the 1960s or later. Zoning within the immediate area comprises NC3 and High Rise (HR) classifications. The First Hill Neighborhood Plan establishes policy objectives; the sections on the Madison Street District and the Eighth Avenue Residential District specifically apply.

Proposal Description

The current project comprises an expansion of a previous approved MUP. This includes 66 additional residential units some of which will be housed within a new eight-story bay added to the north of the previously approved plans. The proposed bay extends the upper floors of the structure northward directly over the proposed medical office component of the project. Other new units will be created by inclusion of two new floors from the reduction of ceiling heights on the previous plans without adding height to the previously DPD approved building.

The change of 43,000 square feet of administrative office use to medical office use represents the other substantial change from the previously approved MUP. With the 66 new units and the proposed change of use, the proposed mixed-use building includes a street level, retail commercial space (a proposed grocery store), a restaurant, a small retail space fronting Madison St., four floors of medical office use, and 220 multi-family units in a 14 floor residential tower. All other programmatic components, including ingress and egress, remain the same as the original permit. See MUP Decision 9908198

Public Comments

No comment letters were received.

ANALYSIS-DESIGN REVIEW

Design Guidelines Priorities

Given that the proposed project was fully conceived and based on an approved MUP, Department of Planning and Development staff determined that the early design guidance meeting was not warranted. A Recommendation meeting provided the opportunity for review of the proposed project.

MASTER USE PERMIT APPLICATION

The applicant revised the design and applied for a Master Use Permit with a design review component on April 18th, 2005.

One letter from a representative of the Puget Sound Blood Center expressed the Center's concern regarding any potential street blockage by construction crews. Emergency and regular vehicles travel back and forth between the Center and local hospitals. Other future construction may also occur simultaneously.

DESIGN REVIEW BOARD RECOMMENDATION

The Design Review Board met on June 1st, 2005 to review the applicant's formal project proposal developed in response to the previously identified priorities. At this public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the members' consideration.

Public Comments

Approximately, seven citizens signed-in at the Recommendation meeting. The following summarizes the public comments.

- Proposed materials are wrong for this area of First Hill. There is too much glass proposed. Materials should change color when it rains.
- There is too high a proportion of glass to masonry.
- The proposed addition is too slick looking.
- Two First Hill community groups favor the project and want to see it built.

Development Standard Departures

The applicant requested revised departures from the earlier MUP from the following standards of the Land Use Code:

1. Setbacks. For mixed-use development, a setback shall be required along any rear lot line which is across an alley from a residentially zoned lot.

2. Open Space. Useable open space shall be required for all residential uses in an amount equal to 20 percent of the structure's total gross floor area in residential use.

Recommendations

- C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept. Buildings should exhibit form and features identifying the functions within the building. In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

The Board stated that the east and west elevations of the proposed northern most bay should be better integrated into the structure's earlier design. The proposed bay appears more office-like in character rather than residential. As one solution, the Board urged the use of bay windows similar to those in the earlier approved design. By knitting together the approved elevations with the proposed ones, the new addition will appear more residential in character and the bays will produce a better sense of scale.

- C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The approved MUP (#9908198) had brick for the office component wrapping entirely around the alley elevation. The proposed design had the masonry removed. Because this elevation will be seen from Madison Street and for consistency reasons, brick should be specified for the entire alley façade of the medical office component.

The Board encourages the applicant to reduce the amount of transparency on the northern bays in order to evoke a more residential character.

- E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

The Board observed the lack of landscaping in the proposed greenhouse. A landscape plan for the greenhouse should be as well considered as the landscaping for the exterior areas of the roof.

Recommendations : The recommendations summarized below were based on the plans submitted at the June 1st, 2005 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the June 1, 2005 public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and

reviewing the plans and renderings, the Design Review Board members recommended approval of the subject design and the requested development standard departures from the requirements of the Land Use Code (listed below). Departure recommendations include those approved in the earlier MUP (#9908198). Revised departures are in bold. The Board recommends three conditions for the project.

STANDARD	REQUIREMENT	REQUEST	JUSTIFICATION	ACTION
1. Residential Lot Coverage.	Maximum of 64% of lot area	Accommodate residential parking on Level 3. 83.4%. All floors above Level 3 comply.	<ul style="list-style-type: none"> Provides parking for the replacement of an existing grocery store with a new and larger facility. 	Previously received approval
2. Setbacks	For mixed-use development, a setback shall be required along any rear lot line, which is across an alley from a residentially zoned lot.	Projection of bays into setback a total of 42 sq. ft.	<ul style="list-style-type: none"> Produces greater light, view and air at alley. The portion of the structure directly across from the adjacent building is setback further than required. Benefits residents across alley 	Recommended approval
3. Open Space	20 % of the structure's total gross floor area in residential use. 20% of 178,266=35,653 s.f.	25,013 sq. ft. or 14% of gross floor area in residential use.	<ul style="list-style-type: none"> Greater quality open space. Unusually interesting landscape design. Provision of rooftop greenhouse. Client offers in-kind donation to community for park use. 	Recommended approval
4. Height for Mixed-Use Development	Mixed-use development at street level shall have a minimum floor to floor height of 13 feet.	Height of portions of street level grocery store is reduced to 12'6".	<ul style="list-style-type: none"> Portion below 13' provides access to offices above grocery. 	Previously received approval

5. Street Use Requirements	A minimum of 80 percent of a structure's street front façade at street level shall be occupied by nonresidential uses.	Grocery store on 8 th Ave. is 116.5' or 56% of structure's street front façade.	▪ Design requirements of grocery store require greater depth than width.	Previously received approval
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The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Do more to integrate the west and east elevations of the proposed northern addition with the originally approved MUP. One solution is to apply the same projecting bay window system from the southern most end of the east and west elevations to the northern end. The land use planner shall review the proposed updated façade designs on the behalf of the Board. (C-2)
2. Use brick masonry to cover the entire east façade of the medical office component. (C-4)
3. Submit a suitable landscape plan for the greenhouse and mechanical equipment area on the roof. The land use planner shall review the landscape plans on the behalf of the Board. (E-2)

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. In addition, the Director is bound by any condition where there was consensus by the Board and agrees with the conditions recommended by the three Board members in attendance and the recommendation to approve the design, as stated above.

DECISION - DESIGN REVIEW

The proposed design is **CONDITIONALLY GRANTED**. See conditions at end of document.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE

The Land Use Code requires that any medical service use in excess of 10,000 square feet, outside of, but within 2,500 feet of a medical Major Institution Overlay district boundary, requires a determination by the Director that an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist. In making this determination, the following factors are to be examined: 1) providing for the medical service use will also maintain the viability and longer-term potential neighborhood-serving character of the commercial area, and 2) the proposed medical service use will not displace the existing neighborhood-serving commercial uses at street level nor disrupt a continuous commercial street front, particularly of

retail and personal service uses (SMC 23.47.006B8). In addition, the following criterion must be met: the use shall not be materially detrimental to the public welfare or be injurious to property in the zone or vicinity in which the property is located (SMC 23.47.006 A1).

The proposed development site is within 2,500 square feet of three medical Major Institution Overlay district boundaries, namely those of Virginia Mason Hospital, Swedish Hospital and Medical Center, and Harborview King County Hospital.

Before demolish, grading and shoring of the previously approved MUP, a small grocery store on the subject site served the neighborhood for many years. The previously approved MUP and the current MUP continue to propose a replacement grocery store at street level. In the current plans, the proposed 40,000 square feet of medical office use would be constructed on four levels at two floors above the grocery and its mezzanine level. In addition, a 1,550 square foot restaurant to be located on 8th Avenue and a small retail shop on Madison are proposed.

“Neighborhood-serving” is probably best defined by elements within the *First Hill Neighborhood Plan* and the *First Hill Approval and Adoption Matrix* which identify a “Key strategy” as the creation of a thriving residential and commercial “Madison Street District” “at the “heart of First Hill’s commercial area,” a place “that caters to residents, employees and other members of the First Hill community” and “where...members of the First Hill community meet each other (p.3)”. Buildings at neighborhood entry points, including this site which is identified as the west entry point to the neighborhood, are called upon in the Neighborhood Plan to emphasize the First Hill identity. Madison Street is identified as a Key Pedestrian Street and the Madison Street District, a district characterized by ground-level retail uses, begins at this point.

In order to augment neighborhood-serving commercial uses at street level, the following provisions or conditions would appear to be in order as requirements for the proposed development. First, the 14,379 square feet of ground floor, street-level space proposed for personal and household retail sales and services and restaurant along both 8th Avenue and Madison Street should remain in personal and household retail sales and service use and/or restaurant use throughout the life of the project. This will assure the viability of a continuous neighborhood-serving commercial strip along Madison Street and serve to enliven 8th Avenue where it meets Madison Street. Second, no medical service use should be allowed to migrate to the street level and any use accessory to or associated with a resident medical service use must be a genuine retail sales and service use if located on the ground floor.

In authorizing a conditional use, the Code provides that conditions may be imposed for mitigating adverse impacts and as needed to protect other properties in the zone or vicinity and to protect the public interest. So conditioned, the limited medical service use within the upper stories of the proposed structure will maintain the viability and longer-term potential neighborhood-serving character of the commercial area, and will not displace existing neighborhood-serving commercial uses at street level. Conditions addressing the above concerns and impacts are included below, after the SEPA conditions. As so conditioned, the medical service use would not be materially detrimental to the public welfare nor injurious to property in the zone or vicinity in which the property is located.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated April 18, 2005) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

Noise

Noise associated with the added construction to the building could adversely affect surrounding uses in the area, which include residential uses (apartments) and commercial. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

The impact from additional construction noises does not warrant new conditions that were not already anticipated by the analysis and conditions in MUP 9908198. These are repeated below.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise

impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M. and on Sundays from 10:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Stacking the building with the tower crane.
- C. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- D. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Air Quality

The additional construction anticipated by the 66 units would cause slight increases in the amount of temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Earth

The proposed MUP does not anticipate greater impacts to the earth than were reviewed in the approved MUP. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

The project proposal does not expand the footprint of the approved MUP and does not warrant deeper excavation. No changes are expected that would impact grading. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Traffic and Parking

The project proposal does not warrant deeper excavation than the previously approved MUP thus the number of truck trips for disposing soil will not increase. As previously articulated in MUP 9908198, parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the increase in number of units from the previously approved MUP, traffic and parking impacts warrant further analysis.

Traffic and Transportation

This traffic and transportation analysis reviews traffic impacts based on the additional 66 residential units and the change of use from administrative office to medical office. It builds upon Heffron Transportation earlier traffic calculations and analysis for MUP Decision 9908198. The new study estimates that net new daily vehicle trips equal 1,136. For the PM peak hour, a total estimate of 107 net new vehicle trips would occur. The impact of these trips would add little delay to key intersections during the AM peak hour. In the PM peak hour, according to Heffron Transportation, the project would add 17 trips to the 6th Avenue/James Street intersection, which is expected to continue to operate at LOS E in 2007 with or without the project. All other study area intersections would continue to operate at LOS D or better during the PM peak hour. No significant adverse impacts to any off-site study area intersections are anticipated due to the proposed project.

The intersection at James St. /6th Ave. meets the City's definition for a High Accident Location. On average, 24 accidents occur at this intersection annually. The project's contribution of 17 vehicles to the most accident prone left-turn movement during the PM peak hour represents two percent of the PM peak hour left-turning traffic volume. This increase in traffic is small; the potential increase in accidents due to the project is also likely to be small.

An approved Transportation Management Program developed during the previous MUP will remain in effect.

Parking

The previously approved project included a 273-space parking garage to accommodate vehicles of residents, employees and customers of the grocery stores. The current proposal would reduce the number of parking spaces by five spaces for a total of 268 spaces. A parking demand analysis was performed to estimate the peak parking demand for the site, including both the previously approved project and the proposed project. Parking demand for the residential land use was estimated using vehicle information specific to First Hill apartment dwellers. Parking demand for the medical office and retail land uses were determined using information in the Institute of Transportation Engineers' (ITE) "Parking Generation". Heffron Transportation Inc. estimates that the peak parking demand for the site is expected to be approximately 247 spaces occurring between 3:00 and 4:00 P.M. The anticipated parking demand would not exceed the available 268-space on-site parking supply.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS-DESIGN REVIEW

Prior to Issuance of a Master Use Permit

1. Do more to integrate the west and east elevations of the proposed northern addition with the originally approved MUP. One solution is to use or apply the same projecting bay window system from the southern most end of the east and west elevations to the northern end. The land use planner shall review the proposed updated façade designs on the behalf of the Board.
2. Use brick masonry to cover the entire east façade of the medical office component.
3. Submit a suitable landscape plan for the greenhouse and mechanical equipment area on the roof. The land use planner shall review the landscape plans on the behalf of the Board.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

4. No medical service use shall be allowed at street level for either Madison Street or 8th Avenue for the life of the project.
5. A minimum of 14,379 square feet of ground floor, street-level space shall be maintained as personal and household retail sales and service and/or restaurant uses for the life of the project.

CONDITIONS-SEPA

No additional conditions. All conditions of MUP #9908198 continue to apply unless expressly modified by this MUP decision.

Signature: (signature on file) Date: November 10, 2005
Bruce P. Rips, AICP, Senior Project Planner
Department of Planning and Development

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